(3)
Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
M.Cr.P[illegible] 73 /2006

PETITIONER — **Smt. PINKI SONI @ GEETA**
W/o Ashwan Soni, Aged About 28 Yrs.Resident Of, Mahurband Para, Tahsil and District Kanker.(C.G.)

VERSUS

RESPONDENTS

1. **STATE OF CHHATTISGARH**
Through station House Officer Police Station Charama, District Kanker. (C.G.)

2. **ASHWAN SONI**
S/o Late Shri, Khumanlal Soni Aged About 30 Yrs. Resident Of, Nakapara, Charama, District kanker. (C.G.)

3. **Smt. PEELABAI SONI**
W/o Late Shri, Khumanlal Soni Aged About 58 Yrs. Resident Of, Nakapara, Charama, District kanker. (C.G.)

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D.R.(J)

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APPLICATION UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCIDURE

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक C.M.P No. 73/2006 **सन् 200**

(21)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

4/10/2006

Shri Prakash Tiwari, Advocate with Applicant Smt. Pinki Soni.

Shri G. D. Vaswani, Govt. Advocate for the non-applicant no. 1.

Shri Avinash K. Mishra, Advocate with non-applicants no. 2 & 3.

Heard.

The applicant is wife of the non-applicant No. 2 and daughter-in-law of respondent No. 3. On her complaint, offence under Sections 498-A, 506 read with Section 34 of I.P.C. was registered against the Non-applicants No. 2 and 3 in Police Station, Charama and subsequently charge sheet was filed in the Court of Chief Judicial Magistrate, Kanker. Subsequently, an application for compromise was filed by the applicant before the trial Court mentioning therein that there is no dispute between them and now the relations are cordial. It was also mentioned that there is a son from the wedlock of the applicant and non-applicant No. 1 and in the aforesaid circumstances, she does not intend to prosecute the case any further and the accused persons be acquitted. The above application was rejected by order dated 4-9-2006 on the ground that offence under Section 498-A of I.P.C. is not compoundable under Section 320 of the Cr.P.C.

Learned counsel for the applicant relying upon the judgment of Hon'ble Supreme Court in the matter of B.S. Joshi and others –v-

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... Cr-M P-No. 73/2006 **सन् 200**

22

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

State of Haryana and another (AIR 2003 SC 1386), submits that though the offence under Section 498-A of the I.P.C. is non-compoundable, the criminal proceedings initiated under Section 498-A of I.P.C. can be quashed while exercising jurisdiction under Section 482 of the Cr.P.C.

The applicant is present in person as also the accused persons-non-applicants No. 2 and 3. The applicant submitted that now she is residing with non-applicant No. 2 along with her son and the relationship between the applicant and the non-applicants is cordial and they are leading a happy married life. She further stated that except the criminal proceedings pending before the Judicial Magistrate First Class, Kanker there is no other proceeding pending before any other Court. She also submitted that she has moved an application for compounding the offence of her own freewill without any undue influence, coercion or inducement.

The non-applicants No. 2 and 3 have also made a joint request with the applicant and prayed for quashing of the criminal proceedings pending in the Court of Judicial Magistrate First Class, Kanker.

Relying upon the judgment of the Hon'ble Supreme Court in B.S. Joshi (Supra), this Court is of the considered opinion that since the complaint and accused persons have settled the dispute amicably

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... Cr. M. P. NO. 73/2006 **सन् 200**

(23)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 3 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

and they are desirous of leading a peaceful matrimonial life and for this purpose, the parties to the criminal proceedings have reached to a mutual agreement to bring to an end the differences and dispute and re-settle in their life, it would be in the interest of justice to allow this application and quash the criminal proceedings pending in the Court of Judicial Magistrate First Class, Kanker registered as Criminal Case No. 71/2004.

Accordingly, the application is allowed and the criminal proceedings pending in the Court of Judicial Magistrate First Class, Kanker registered as Criminal Case No. 71/2004 are quashed.

Sd/-
Dhirendra Mishra
Judge

P.T.O.